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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,052	01/26/2001	Veijo Vantinen	490-010115-US (PAR)	7249
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Perman & Green, LLP 99 Hawley Lane Stratford, CT 06614			EXAMINER MEHRPOUR, NAGHMEH	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 07/06/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/771,052

Applicant(s)

VANTTINEN, VEIJO

Examiner

MELODY MEHRPOUR

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-34**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Muhonen et al. (US Patent Number 2003/0186710 A1) in view of Vialen (US Patent Number 6,826,406).

Regarding claims 1, 18, Muhonen teaches a method/packet-switched radio system comprising:

a network part of the radio system, which comprises a core network and a radio network connected to the core network radio connection from the radio network to a subscriber terminal (0038); and

the network part comprising location service means for locating (0038); and

the subscriber terminal comprises means for transmitting a request message for location service **pertaining to the subscriber terminal** to the core network via the radio network (0045, 0046, 0051 0052, 0057); and

the network part comprises means for performing at least one function required in the request message and means for transmitting a response message to the subscriber terminal via the radio network (0057).

Muhonen does not specifically mention that the connection is UM connection from the radio network to a subscriber terminal. However, Vialen teaches the connection is UM connection from the radio network to a subscriber terminal (col 5 lines 50-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Vialen with Muhonen, in order to provide good bear quality service while reconfiguring a cellular network in the UMTS wherein a single connection can simultaneously use at least one or more radio bearers.

Regarding claims 2, 19, Muhonen teaches a method/a radio system wherein the request message relates to one of the following location service functions:

determination of the subscriber terminal location, informing of an outside client of the radio system of the subscriber terminal location, transmission of location assistance data to the subscriber terminal (0060);

transmission of a ciphering key for decrypting the location assistance data to the subscriber terminal.

Regarding claims 3, 20, Muhonen teaches method/a radio system wherein the information included in the request message comprises desired quality of service of the requested location service (0043).

Regarding claims 4, 21, Muhonen teaches a method/a radio system wherein the other information comprises at least one of the following parameters:

receiving power of the serving cell, receiving power of at least one neighboring cell, charge level of the battery in the subscriber terminal, information on the conditions at the location of the subscriber terminal, identity of a separate device connected to the subscriber terminal (0045).

Regarding claims 5, 22, Muhonen teaches a method/a radio system wherein the subscriber terminal comprises means for inserting at least part of the information included in the request message received by the core network into the request message (0064).

Regarding claims 6, 23, Muhonen teaches a method/a radio system wherein the radio network comprises means for inserting at least part of the information included in the request message received by the core network into the request message (0064).

Regarding claims 7, 24, Muhonen teaches a method/a radio system wherein, if the function is location of the subscriber terminal, a special location procedure will be performed (0057).

Regarding claims 8, 25, Muhonen teaches a method/a radio system wherein the core network comprises means for locating the subscriber terminal on the basis of the information included in the request message (0060, 0064).

Regarding claims 9, 26, Muhonen teaches a method/a radio system, wherein the procedures required by the location service comprise receiving signals in the subscriber terminal and measuring them, or transmitting signals from the subscriber terminal (0060, 0064).

Regarding claims 10, 27, Muhonen teaches method/a radio system wherein the signals received in the subscriber terminal to implement the location service comprise signals transmitted by the radio system including signals transmitted by other base stations of the radio system than by that of the serving cell, or the signals transmitted by a satellite of the GPS system (0057, 0064).

Regarding claims 11, 28, Muhonen teaches method/a radio system wherein the network part of the radio system comprises means for checking whether the location of the subscriber terminal carried out corresponds to the target set for the quality of service (0043).

Regarding claims 12, 29, Muhonen teaches a method/a radio system wherein, if the target set for the quality of service is not achieved, the network part will perform a location service, which offers a better quality of service (0043).

Regarding claims 13, 30, Muhonen teaches a method/a radio system wherein tracing of the route traveled by the subscriber terminal is performed so that the subscriber terminal at regular intervals transmits a request message requesting location of the subscriber terminal (0057).

Regarding claims 14, 31, Muhonen teaches a method/a radio system wherein tracing of the route traveled by the subscriber terminal is performed so that one parameter to be added to one location request is a definition of the need to determine the location of the subscriber terminal at regular intervals (0036, 0053).

Regarding claims 15, 32, Muhonen teaches a method/a radio system wherein the outside client of the radio system is informed of the location of the subscriber terminal by the core network, by the subscriber terminal (0064).

Regarding claims 16, 33, Muhonen teaches a radio system wherein the response message contains at least one of the following pieces of information: the location of the subscriber terminal (0070, 0074), location assistance data, a ciphering key for decrypting the ion assistance data, an error code, information on whether location information on the subscriber terminal is to be submitted to an outside client (0070, 0074)

Regarding claims 17, 34, Muhonen fails to teach a method/a radio system wherein the request message and the response message are messages of protocol layers that correspond to the third layer of the OSI model. However Vialen teaches wherein the mobile of third generation known by universal mobile telecommunications system (UMTS) transferred amount of data most preferably in the radio resource control (LLC) of layer 3 structure according to International Standardization Organization (OSI) (col 5 lines 65-67, col 6 lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Vialen with Muhonen, Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Vialen with Muhonen, in order to

provide good bear quality service while reconfiguring a cellular network in the UMTS wherein a single connection can simultaneously use at least one or more radio bearers.

Response to Arguments

2. Applicant's arguments with respect to claim 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Examiner Notes

Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner

Any remaining limitations not disclosed in the reference would then have been obvious design choice, as they solve no stated problem and of no patentable merit.

Conclusion

3. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELODY MEHRPOUR whose telephone number is (571)272-7979. The examiner can normally be reached on Mon-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (703) 305-4379.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Naghmeh Mehrpour/

Primary Examiner, Art Unit 2617

July 1, 2010